

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

**In Re: Ethicon, Inc. Pelvic Repair System
Products Liability Litigation**

MDL No. 2327

THIS DOCUMENT RELATES TO ALL CASES

**APPLICATION OF GIRARD GIBBS LLP FOR APPOINTMENT
TO THE PLAINTIFFS' STEERING COMMITTEE**

Girard Gibbs is a national litigation firm with a strong record of diligently and cooperatively prosecuting MDLs in a variety of leadership capacities and substantive areas of law. The firm represents clients with transvaginal mesh injury claims against each of the major defendants in MDL 2325, 2326, and 2327,¹ and brings a unique blend of resources, ability, and experience that would be a valuable addition to the Plaintiffs' leadership team. Girard Gibbs thus respectfully requests that the Court consider it for a position on the Plaintiffs' Steering Committee or, should the Court wish to appoint a single attorney rather than the firm as a whole, that the Court consider appointing A. J. De Bartolomeo.

A. Girard Gibbs Is Willing and Able to Commit Its Resources to This MDL.

Girard Gibbs is comprised of 22 attorneys and 19 staff members who are well-versed in all stages of litigation against large, heavily-funded corporate defense teams. The accomplished lawyers committed to working on this litigation include:

A. J. De Bartolomeo: Ms. De Bartolomeo is an AV-rated attorney who specializes in mass torts and other complex matters. Most recently, she was appointed to the Plaintiffs' Steering Committee in the *Yasmin and Yaz* MDL, where she is co-chair of the Law & Briefing Committee and has worked closely with the Science & Expert Committee on expert issues and *Daubert* briefing. Ms. De Bartolomeo has served as an invited speaker before numerous groups, including at Bridgeport CLE programs and the Women's Leadership Summit at the AAJ Annual Convention, and is a recognized expert on ethical settlement practices in complex litigation.

¹ *Rosas v. Johnson & Johnson, et al.*, No. 2:12-cv-00701 (E.D. Cal.); *Lark v. Endo Pharmaceuticals, et al.*, No. 5:12-cv-01545 (N.D. Cal.); and *Harris v. Johnson & Johnson, et al.*, No. 12-cv-1564 (N.D. Cal.) have each been designated tag-along cases in these MDL proceedings. Girard Gibbs also represents several additional clients injured by Defendants' transvaginal mesh products who are likely to be added as plaintiffs in this MDL in the future.

Eric Gibbs: Mr. Gibbs is AV-rated attorney who has been honored as one of the *Best Lawyers in America* and as a *Northern California Super Lawyer*. He has been appointed lead or co-lead counsel in numerous coordinated proceedings, serves on the Board of Directors of Consumer Attorneys of California, is a founding member and former co-chair of AAJ's Class Action Litigation Group, and the former editor of the Group's quarterly newsletter.

Mike Danko: Mr. Danko is a seasoned trial attorney who has devoted the bulk of his career to product safety, including as lead counsel in the *In re Deep Vein Thrombosis*, MDL 1606. He has tried over 40 cases to verdict, has been recognized as one of the *Best Lawyers in America* and as a *Northern California Super Lawyer*, and was nominated for 2009 California Trial Lawyer of the Year by the Consumer Attorneys of California.

Kristine Meredith and Geoffrey Munroe, both of whom were heavily involved with successful law and motion briefing in the *Yasmin* and *Yaz* MDL and have each been honored by *Northern California Super Lawyers*.

Having practiced exclusively in complex and class action litigation since 1995, Girard Gibbs recognizes the serious commitments of time and finances required to effectively prosecute a case of this magnitude. The firm and its attorneys are prepared to make those commitments to this MDL and pledge that they will devote themselves over the coming years to ensure that the women injured by transvaginal mesh receive the best possible representation.

B. Girard Gibbs Has Worked Cooperatively With Others In Numerous MDLs.

Girard Gibbs has served in leadership roles in 24 MDL proceedings—as lead or co-lead counsel in 14 MDLs, and as liaison counsel or as an executive or steering committee member in 10 others. In addition to the mass tort MDLs discussed below, some recent examples include:

- *In re Med. Capital Sec. Broker-Dealer Litig.*, MDL 2145 (N.D. Tex.), where the firm led coordinated negotiations resulting in resolution of over 300 arbitrations and two consolidated class action cases for total recovery of \$150 million.
- *In re TFT-LCD (Flat Panel) Antitrust Litig.*, MDL 1827 (N.D. Cal.), where Girard Gibbs served as liaison counsel in antitrust proceedings against 35 defendants accused of price fixing that resulted in over \$500 million recovery.
- *In re Mercedes-Benz Tele Aid Contract Litig.*, MDL 1914 (D. NJ.), where Girard Gibbs served as co-lead counsel in a nationwide consumer class action that produced cutting-edge choice-of-law jurisprudence and a significant monetary recovery.

- *In re Chase Check Loans Litig.*, MDL 2032 (N.D. Cal.), where Girard Gibbs is part of 6-firm Executive Committee that obtained certification of a nationwide class of 1 million cardholders whose loan terms were changed by Chase; trial set for July 2012.
- *In re Lehman Brothers Sec. and ERISA Litig.*, MDL 2017 (S.D.N.Y.), where the firm has been appointed to four-member Executive Committee charged with managing the proceedings arising out of the collapse of Lehman Brothers.

The firm enjoys an excellent reputation within the federal court system, which is reflected not only in the leadership positions it has held, but also in the appointment (and re-appointment) of the firm's managing partner, Daniel Girard, to the U.S. Judicial Conference Advisory Committee on Civil Rules. A large part of Girard Gibbs's success, particularly in the MDL context, can be traced to its enthusiasm for working cooperatively with other lawyers and consistent willingness to take on assignments that play to our particular strengths, knowledge, and experience. We have begun that collaborative process in this litigation and based on numerous discussions with fellow counsel, believe that the *Proposed Counsel Organizational Structure* submitted by Messrs. Aylstock, Garrard, and Thompson would form the foundation for robust, resourceful, and nimble representation of the plaintiffs in these MDLs.

C. Girard Gibbs Has Professional Experience in This Type of Litigation.

Girard Gibbs attorneys have served important roles in several mass tort MDL proceedings. The firm has been heavily involved in the *Yasmin and Yaz* litigation, MDL No. 2100, where Ms. De Bartolomeo serves on the Plaintiffs' Steering Committee and as Co-Chair of the Law & Briefing Committee. Ms. De Bartolomeo also recently served on the Discovery and Law Committees in *Medtronic Implantable Defibrillators*, MDL 1726, and Mr. Danko served as lead counsel in *In Re Deep Vein Thrombosis Litigation*, MDL 1606. Other mass tort MDLs Girard Gibbs has been involved with include *NuvaRing*, MDL No. 1964, *Vytorin*, MDL 1938, *Medtronic Sprint Fidelis Leads*, MDL 1905, and *Zyprexa*, MDL 1596.

Respectfully submitted,

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